

**In the United States District Court  
for the Southern District of Georgia  
Brunswick Division**

FILED  
U.S. DISTRICT COURT  
BRUNSWICK, GA.

2009 APR 27 AM 9:27

CLERK *[Signature]*  
SO. DIST. OF GA.

RUSSELL ROBINSON,	:	CIVIL ACTION
Petitioner,	:	
v.	:	
DEBORAH HICKEY, Warden and	:	
FEDERAL BUREAU OF PRISONS,	:	
Respondents.	:	NO. CV208-122

**ORDER**

On April 8, 2009, the Magistrate Judge entered a report and recommendation, which suggested dismissal of Robinson's complaint due to Petitioner's failure to exhaust his administrative remedies. Presently before the Court is Robinson's objection to the Magistrate Judge's suggested disposition of the case.

Robinson has not argued that he did exhaust his administrative remedies, but asserts only that his claim is meritorious -- that the sentencing court improperly delegated authority to set a payment schedule to the Bureau of Prisons. The Court notes that, absent exceptional circumstances, a prisoner who fails to challenge a monetary judgment at sentencing or on direct appeal cannot challenge the penalty for the first time in a collateral proceeding such as a

petition for a writ of habeas corpus. E.g., Simmons v. United States, 232 Fed. App'x 952, 953 (11th Cir. 2007). Robinson has not asserted that extraordinary circumstances exist here.

After a de novo review of the report and recommendation, and Robinson's objections thereto, the Court concurs with the Magistrate Judge's finding that dismissal is warranted, and adopts the report and recommendation as the opinion of the Court. 28 U.S.C. § 636(b)(1)(C).

**SO ORDERED**, this 27th day of April, 2009.

  
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JUDGE, UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA